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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,999	12/31/2003	Remesh Seth Nair	42P17662	9952

8791 7590 01/04/2007
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EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
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2116

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/749,999	Applicant(s) NAIR ET AL.	
	Examiner Thuan N. Du	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/26/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 10/24/06) and IDS (dated 10/26/06).
2. Claims 1-30 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klimenko (U.S. Patent No. 5,974,547) in view of Burokas et al. [Burokas] (U.S. Patent No. 6,954,852) and further in view of Haskins et al. [Haskins] (U.S. Patent No. 6,240,169).
5. Regarding claims 1 and 8, Klimenko teaches a method comprising:
requesting network boot load data (boot code) [col. 9, lines 62-65];
receiving the network boot load data [col. 9, lines 62-65]; and
loading the network boot load data into a memory [col. 7, lines 23-24; col. 9, lines 62-65].

Klimenko does not explicitly teach that the network boot load data (boot code) is provided from a server. In other words, the network boot load data (boot code) of Klimenko is not stored on a server. The network boot load data (boot code) of Klimenko is stored on a NIC of the client PC.

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Burokas teaches that the network boot load data (boot code) could be stored on a NIC or on a network server [col. 3, lines 38-42].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Klimenko and Burokas because it would increase the flexibility of the system by allowing the boot code to be stored on either a NIC of a PC or on a network server.

Both Klimenko and Burokas do not explicitly teach that a memory address region is provided by the server. One of ordinary skill in the art would recognize that this could be done by sending the memory address information along with the boot code data from the server.

Haskins teaches a method comprising:

requesting, from a client, data stored in a server [col. 19, lines 50-51; col. 20, lines 35-36]; and

receiving the data and memory address region from the server [col. 19, lines 52-54; col. 20, lines 37-40].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Klimenko-Burokas to include the memory address region provided from the server as taught by Haskins. The modification would increase the flexibility of the system by allowing the system to store the received data into a memory location not only designated by the client but also designated by the server.

6. Regarding claims 2 and 9, Klimenko teaches running the network boot load data [col. 9, lines 62-65] and initializing an operating system [col. 12, lines 32-38].

7. Regarding claims 3 and 11, Klimenko does not mention the utilization of a network bootstrap program during the remote boot process.
8. Regarding claim 4, Burokas teaches a network protocol identifier [col. 6, line 60 to col. 7, line 5].
9. Regarding claims 5 and 10, Burokas teaches operating using PXE, and wherein PXE is used to directly load network data into system memory [col. 5, line 63 to col. 6, line 3].
10. Regarding claim 6, Burokas teaches that network data is directly loaded into system through network interface [col. 5, lines 44-50; col. 14, lines 35-40].
11. Regarding claim 7, Burokas teaches that the network boot load data comprises a bootloading API [col. 6, lines 50-51].
12. Regarding claim 8, in addition to the rejection to claim 1 above, Klimenko further teaches packets are sent to and from the server [col. 9, line 66 – col. 10, line 2; col. 10, lines 50-53].
13. Regarding claims 12-18, Klimenko, Burokas and Haskins together teach the claimed method steps. Therefore, Klimenko, Burokas and Haskins together teach the apparatus to implement the claimed method steps.
14. Regarding claims 19-30, Klimenko, Burokas and Haskins together teach the claimed method steps. Therefore, Klimenko, Burokas and Haskins together teach the instructions for carrying out the claimed method steps.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached at (571) 272-3676.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

TD
December 27, 2006



THUAN N. DU
PRIMARY EXAMINER